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More Specific Criteria Needed To Improve Real Property Surveys

B-165511

General Services Administration

*UNITED STATES
GENERAL ACCOUNTING OFFICE*

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JULY 10, 1971

GENERAL ACCOUNTING OFFICE REPORT TO
THE ADMINISTRATOR,
GENERAL SERVICES ADMINISTRATION

MORE SPECIFIC CRITERIA NEEDED
TO IMPROVE REAL PROPERTY SURVEYS
General Services Administration
B-165511

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D I G E S T

WHY THE REVIEW WAS MADE

Under the Federal Property and Administrative Services Act of 1949, Federal landholding agencies are required to identify and report unneeded land.

Because the President believed that proper management and use of the Nation's resources required a continuing and critical review of agency needs for real property, by Executive order issued in February 1970 he required:

- Each executive agency to immediately survey all of its land and to report to the General Services Administration (GSA) any which was unused, underused, or not optimally used.
- GSA to establish uniform standards and procedures to identify such land.
- GSA to begin a continuing survey of executive agencies' land, identify any not needed or not used optimally, and report to the President any not declared excess.
- The Property Review Board (now the Federal Property Council) to consider conflicts between GSA and the landholding agencies and to recommend solutions to the President.

As of June 30, 1972, the Federal Government owned about 760 million acres, almost one-third of the Nation's land. However, only 100 million acres were subject to provisions of the Executive order. The rest consisted primarily of national parks, forests, or other public domain lands.

Because of the President's emphasis on proper land use, GAO wanted to see how some of the larger landholding agencies were carrying out the order.

FINDINGS AND CONCLUSIONS

The criteria, standards, and procedures for identifying unneeded real property were not specific enough to support land-use evaluations. As a result, survey teams were evaluating land use without benefit of specific agency criteria on how much land was needed for various functions. (See p. 5.)

In addition, more specific guidelines were needed to determine when rights provided through restrictive covenants would be adequate to control land use. (See p. 6.)

GSA survey teams often may not have used all available data because GSA prohibited survey teams from discussing findings with local officials. (See p. 10.)

In some cases, GSA recommended that facilities not being optimally used be relocated but did not discuss possible sites and the availability of funds for relocating. (See p. 11.)

RECOMMENDATIONS

The Administrator of General Services should:

- In coordination with executive agencies, establish more specific measures for effectively and economically using land and for determining when restrictive covenants would be adequate to control land use. (See p. 7.)
- Require survey teams to obtain all information necessary to conduct complete surveys, including information obtainable through discussions of facts with site officials. (See p. 11.)
- Require that proposals to relocate agency activities be supported with information on potential sites and availability of funds for relocating. (See p. 12.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Federal Property Council said it would give priority attention to the recommendations. (See p. 13.)

GSA agreed that specific guidelines should be used in reviewing land use. It also believed that guidelines should be applied equally to acquisitions and retentions.

Although the Department of Defense (DOD) maintained that it had guidelines for determining its land requirements, GAO identified a number of instances when

- guidelines were lacking and

- necessary specific information on such matters as the extent of land use was not provided.

DOD said its position on the use of restrictive covenants was that agencies should retain fee title to landholdings but should release land under lease for appropriate compatible uses. The Department of Justice said that retaining less than fee ownership in buffer zones must be carefully controlled.

GSA said a general set of guidelines for determining those instances when restrictive covenants would provide adequate land control could be developed but would be difficult to apply in many cases due to the diverse uses of Federal lands. (See p. 8.)

GSA agreed that facts should be discussed with site officials and said survey personnel would be so informed. DOD agreed that discussing preliminary findings before including them in a formal report would reduce the number of recommendations based on incomplete data. (See p. 11.)

GSA also recognized the problem of identifying alternate sites and is seeking legislation to authorize funding for relocating agency activities when it is in the Government's best interest. It said that, as soon as such legislation is enacted, it will begin conducting detailed studies, as envisioned by GAO, in connection with relocation proposals. (See p. 12.)

The Office of Management and Budget, which supports GSA's views; the Department of Agriculture; the Atomic Energy Commission; and the Veterans Administration also furnished comments. (See apps. I through VIII.)



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

LOGISTICS AND COMMUNICATIONS
DIVISION

B-165511

1 -17 2-5
The Honorable Arthur F. Sampson, Administrator
General Services Administration

Dear Mr. Sampson:

Our report concerns the need for more specific criteria to improve real property surveys.

We want to direct your attention to the fact that this report contains recommendations to you which are set forth on pages 7, 11, 12. As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions he has taken on our recommendations to the House and Senate Committees on Government Operations not later than 60 days after the date of the report, and the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We are sending copies of this report to the House and Senate Committees on Appropriations, Government Operations, and Public Works; the Subcommittee on Treasury, Postal Service and General Government, Senate Committee on Appropriations; the Director, Office of Management and Budget; the Chairman, Federal Property Council; the Secretaries of the Departments of Defense and Agriculture; the Administrator, Veterans Administration; the Attorney General; and the Chairman, Atomic Energy Commission.

Sincerely yours,

A handwritten signature in cursive script, reading "F. J. Shafer".

F. J. Shafer
Director

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ABBREVIATIONS

DOD	Department of Defense
GAO	General Accounting Office
GSA	General Services Administration
OMB	Office of Management and Budget
PRB	Property Review Board

CHAPTER 1

AGENCY ROLES IN SURVEYING REAL PROPERTY

Under the Federal Property and Administrative Services Act of 1949, landholding agencies were to determine and report unneeded land. The General Services Administration (GSA) was to (1) prescribe policies and methods to promote maximum use of excess property, (2) transfer such property among Federal agencies, and (3) dispose of surplus property.

Office of Management and Budget (OMB) Circular A-2, dated April 5, 1967, directed agencies to develop criteria for effectively and economically using their land. Each agency was to review its property annually to identify any that was not needed or not economically used.

GSA reports the amount and cost of real and related personal property declared excess each year. From 1956 through 1972 GSA reported 12,890 excess properties costing \$10.3 billion or an annual average of 760 actions on properties costing \$600 million.¹

Because the President believed that proper management and use of the Nation's resources required a continuing and critical review of agency needs for real property, he issued Executive Order 11508 in February 1970 which outlined a program for promptly identifying property no longer needed and which established the Property Review Board (PRB). The order required:

- Each executive agency to immediately survey all of its land and to report to GSA any which was unused, underused, or not optimally used.
- GSA to establish uniform standards and procedures to identify such land.

¹Not all property reported excess is removed from the Government's inventory because some is needed by other agencies.

--GSA to begin a continuing survey of executive agencies' land, identify any not needed or not used optimally, and report to the President any not declared excess.

--PRB (now the Federal Property Council) to consider conflicts between GSA and the landholding agencies and to recommend solutions to the President.

GSA said that, of about 760 million acres of land owned by the Government as of June 30, 1972, 100 million acres were subject to Executive Order 11508. OMB said that only about 30 million acres (acquired land used by Federal agencies) were subject to Federal agency use and thus within the scope of the order. The 70-million-acre difference is public domain land that has been withdrawn by Federal agencies for uses other than as national parks or forests. The remaining 660 million acres are national forests, parks, and other public domain land.

OMB's participation in the program is important because it is in a position to consider not only the economics of land use but also what impact a real property action would have on agency or administration programs. It acts as a checkpoint to evaluate survey report recommendations, arbitrates disputes between GSA and landholding agencies, and determines the effect the recommended action would have on ongoing or planned programs.

SCOPE OF REVIEW

Rather than making an overall evaluation of the survey program, we directed our review primarily to those aspects of real property surveys that appeared to warrant our attention.

We selected 47 survey reports made from 1970 to 1972 in response to Executive Order 11508. We reviewed the recommendations and related information at 35 agency sites (see app. IX), 5 GSA regional offices, GSA headquarters, the Department of Defense (DOD), and PRB. We interviewed officials responsible for real property management and reviewed statutes, policies, procedures, and practices for identifying and reporting unneeded real property.

CHAPTER 2

EXECUTIVE ORDER 11508 SURVEY RESULTS

In June 1970 GSA notified PRB that it had received all agency reports required by Executive Order 11508 and that the properties listed seemed to be a backlog of properties that would have been declared excess anyway. Therefore, the President issued instructions in June 1970 requiring each agency to report that 10 percent of its property "in terms of real value" which was least used and which had the lowest retention priority. Each revised report, to be submitted to GSA and PRB by August 15, was to include detailed plans for excessing the low-priority properties or to state reasons why they should not be excessed. The remaining 90 percent were to be separately reported by September 30 and ranked according to retention priority.

All agencies eventually submitted the required lists; however, the lists were:

- Incomplete. For example, DOD's inventory was 6,126 properties, but its 10-percent list contained only 83. Also, the list did not (1) indicate the bases for reporting these properties, (2) assign values to the properties, or (3) include plans for excessing the properties. Similarly, the Department of Justice reported only one low-priority property--a prison leased to the State of Ohio--in its 10-percent list. The list did not address the matter of real value and offered no reasons for not excessing the prison.
- Inaccurate. After analyzing DOD's progress under the survey program, GSA wrote to PRB that the properties DOD reported on its 10-percent list as excess often were not excess, while others not declared excess should have been so declared.

From the beginning of the program through December 1972, GSA surveyed about 6 million acres of Federal land. On the basis of GSA's recommendations, the agencies reported about 67,000 excess acres to GSA (valued at about \$140 million). In addition, excessing actions were pending on another 60,000 acres of Government land valued at about \$90 million.

GSA teams, DOD teams, and joint teams survey DOD installations. In addition to the DOD land GSA surveyed, DOD, by September 15, 1972, had surveyed 4.5 million acres and had identified 98,000 acres (67 properties) as potentially excess. However, GSA said that 26,500 of these acres were contaminated, 13,700 were under water, 11,300 had been reclaimed by DOD, and 26,600 used under restrictive covenants had been included.

CHAPTER 3

IDENTIFYING EXCESS REAL PROPERTY

NEED TO DEVELOP SPECIFIC CRITERIA

OMB stipulated in Circular A-2 that landholding agencies must continually review and dispose of any unneeded real property. The intention of the OMB circular was to further encourage agencies to assess what they needed so that future justification for retaining real property could be based on requirements.

In March 1970, GSA published standards for identifying excess land. The standards defined excess land as that which was underused, not used, or not optimally used and listed 15 general guideline questions. Each agency was to use the standards for annual reviews and individual surveys of real property. However, the standards were not specific enough to insure that the agencies would promptly and uniformly identify excess land.

When the real property survey program began, GSA was not familiar enough with the many different uses of Federal land to identify land no longer needed. Therefore, GSA requested that all major landholding agencies send it information on the agencies' land-use standards. Eleven agencies responded but discussed only general requirements, such as (1) retain only the land needed for current and approved future programs, (2) retain land that is effectively and economically used, and (3) retain land that is uniquely suited by geographical location for agency requirements.

The Bureau of Prison's guidance on land use illustrates the need for more specificity. The guidance stated that open, controlled areas helped maintain custody of prisoners, allowed less stringent supervision of inmates, and permitted farming. However, the Bureau had no written guidance for determining the size of open land needed.

FEDERAL AGENCIES' USE
OF RESTRICTIVE COVENANTS

More land might be made available for disposal if Federal agencies made wider use of restrictive covenants,¹ rather than fee ownership, to control property use.

Circular A-2 states that various alternatives to ownership should be considered. These alternatives include (1) local zoning to provide sufficient protection for buffer zones if part of the property is released and (2) reserving rights and interests to the Government through restrictive covenants if the property is released.

The Federal Property Management Regulations instruct agencies to consider the question of whether land can be disposed of and program requirements satisfied through reserving rights and interests to the Government in the property released. Most cases involving this question deal with buffer zones around airfields and explosives storage and communications areas.

At December 22, 1972, PRB was holding 36 airfield buffer zone cases pending resolution of differences in land acquisition and retention guidelines. For example, a June 1970 GSA report on the U.S. Marine Corps Air Facility, Fountain Valley, California, concluded that a 126-acre landing field was not being optimally used and that the rest of the facility, 507 acres, was underused. GSA said that the highest and best use of the entire 633 acres would be for residential development. Of the 507 acres, 485 were being leased to Orange County for a park and 22 had been granted to Fountain Valley for a drainage ditch. GSA recommended that DOD immediately declare the 507 acres excess and relocate the 126-acre landing field to the Naval Weapons Station in Corona, California, about 20 miles away.

DOD replied that relocating the landing field was impractical because of many operational reasons and that the current lease of 485 acres for the county park provided an adequate airfield buffer zone and protected the field from encroachment. DOD also said that transferring title would

¹Restrictive covenants include leases, permits, licenses, and other related restrictions on interests or rights.

require it to impose rigid restrictions to insure that land use would be compatible with aviation activities. DOD believed that, if title were conveyed, these restrictions could be enforced only through legal processes. Because GSA and DOD could not resolve this case, it was referred to PRB, where it remains under consideration.

In another case involving buffer zones other than those around airfields, DOD disagreed with a GSA recommendation to dispose of 27 acres of marshland and 96 acres of beachfront property adjacent to the Naval Radio Receiving Station, Imperial Beach, California. DOD stated that this land should be retained to insure positive control of the station's electronics environment and that leasing out land for recreation areas, with restrictive covenants, would be compatible with the installation's mission. DOD contended that any action diverting ownership would lessen control over outside developments which could introduce radio interference.

CONCLUSIONS

In many cases survey teams were evaluating land use without the benefit of specific agency standards as to how much land was needed for various functions. The teams also needed specific agency guidelines for determining when the rights provided through restrictive covenants or other reservations of interests or rights would be adequate. In the absence of such standards and guidelines, GSA and the landholding agencies often were unable to agree on the need for particular parcels of land and spent much time and effort attempting to resolve these differences.

RECOMMENDATION

We recommend that the Administrator of General Services, in coordination with the heads of the executive agencies, establish definitive guidelines for

- effectively and economically using land and
- determining those instances when restrictive covenants would be adequate to control land use.

AGENCY COMMENTS AND OUR EVALUATION

GSA

GSA agreed that specific guidelines and criteria should be used in reviewing or establishing land use and in reviewing acquisitions and retentions.

GSA also agreed that it should work with the executive agencies to review the guidelines used for land acquisitions, including the use of restrictive covenants. These guidelines should also apply to retaining property already held. GSA said that a general set of guidelines for determining those instances when restrictive covenants would provide adequate land control could be developed but would be difficult to apply in many cases due to the diverse uses of Federal lands.

DOD

DOD stated that it had a number of rules for determining real property needs for aircraft clear zones, explosive safety zones, and maneuver area sizes. DOD said its surveys had identified degrees of property use. Although DOD statements of real property requirements appear to be more specific than those of the other agencies, we found instances when DOD land-use guidelines were lacking and specific information on the extent of land use was not provided to the survey teams.

Commenting on our observation that the Government could dispose of some property while retaining restrictive covenants where residual rights were required, DOD stated that fee title to such land should be retained but that the land could be leased for appropriate compatible uses. DOD reasoned that courts might rule in favor of the landholder who wanted to dissolve restrictive covenants on his acquired land.

Department of Justice

The Department of Justice stated that it had certain unpublished land-use rules for determining the size of installations. (See app. V.) We believe such information should be formally issued to property managers and uniformly applied.

The Department of Justice also stated that retaining less than fee ownership in buffer zones, such as flight paths at the ends of runways, must be carefully controlled if liability under the Tucker Act for future more intensive use of such areas is to be avoided.

CHAPTER 4

REPORTING EXCESS REAL PROPERTY

RECOMMENDATIONS BASED ON INCOMPLETE INFORMATION

In August 1971 GSA's Commissioner, Property Management and Disposal Service, instructed the GSA regions, in making their surveys, to thoroughly inspect the property, verify factual data, and discuss use of the property with agency officials. However, the Federal Property Management Regulations prohibit survey teams from discussing findings and conclusions with local agency officials. Consequently, there was generally little or no discussion and the surveys were therefore often incomplete. Because available information was not considered, additional deliberations were needed later among OMB, PRB, and the holding agency.

In its report on the Francis E. Warren Air Force Base in Wyoming, GSA recommended that DOD declare 1,500 acres excess because the land was outside the safety zone surrounding the rifle range and missile-holding areas and was not required for the 1970-71 construction program. DOD replied that GSA had not been informed of more current revised requirements which added 400 of the 1,500 acres as an additional safety area around the rifle range. If GSA had discussed the facts with installation officials, the new safety requirements probably would have been disclosed, disagreement would have been avoided, and the case would have been settled faster.

In another case, GSA recommended that 2,000 acres at the Tooele Army Depot, Utah, be declared excess because the land was not needed for stored-ammunition clearance zones. After the survey, DOD advised GSA that the land was needed for buffer zones, Army Reserve training, and future family housing. DOD said that, with the cutback on ammunition being supplied to Southeast Asia, every magazine at the depot was expected to be used. A conference between the survey team and Tooele officials at the end of the survey might have prevented this misunderstanding and helped settle the case faster.

Conclusion

Real property use surveys need to be improved. Unsatisfactory surveys resulted because necessary information was not made available or was not considered. Part of the problem stems from the fact that survey teams are prohibited from discussing findings of fact with local officials at the end of the survey.

Recommendation

We recommend that the Administrator of General Services have survey teams obtain the information necessary to conduct complete surveys. The teams should discuss the facts they have obtained with local officials to insure that they are complete and accurate. The Federal Property Management Regulations should be so amended.

Agency comments and our evaluation

GSA agreed that discussing facts with field officials would be appropriate and that GSA survey personnel would be so informed.

DOD agreed that discussing preliminary findings before including them in a formal report would reduce the number of recommendations based on incomplete data.

RELOCATION PROPOSALS

The Federal Property Management Regulations state that real property which is used for current programs but which could be used for a much higher and better purpose, i.e., real property not optimally used, should be declared excess. When a survey report contains findings that land is not optimally used, the availability of other locations for current uses should be discussed and adequate support should be given for other specific sites mentioned. This procedure has not always been followed.

GSA found that, when it recommended alternate sites for relocating the activities, many problems arose, including funding. Because the holding agency must pay for such moves, GSA recommended in November 1972 that agencies retain property not being optimally used when large sums would be required to relocate the activities to less valuable land.

Survey reports were to identify such situations and state that, if funds for relocation were provided, steps were to be taken to release the property. However, at the time of our fieldwork, no funds were being authorized for these relocations.

Recommendation

We recommend that the Administrator of General Services require that survey reports include information on alternate sites and availability of funds in support of proposals to relocate agency activities.

Agency comments

GSA commented that it has long recognized the problem of identifying alternate sites and has sought and is still seeking legislation to authorize funding for relocating agency activities when it is in the Government's best interest. GSA stated that, when legislation was enacted, it would begin conducting detailed studies, as envisioned by GAO, in connection with relocation proposals.

THE WHITE HOUSE

WASHINGTON

June 29, 1973

Dear Mr. Rothwell:

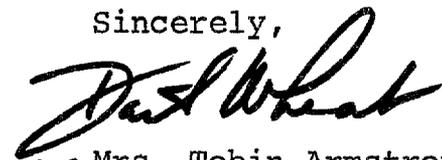
Thank you for your recent letter and the copies of the draft report of the General Accounting Office study of the Property Review Program.

I have been briefed by my staff concerning the exchanges of information that have taken place and, in particular, a recent close-out conference with members of your staff. The recommendations contained in the draft report are timely, in view of the Executive Order issued June 25, 1973, creating the Federal Property Council to replace the Property Review Board. You can be assured that the recommendations will be given priority attention by the Council.

Let me express my appreciation for the time and effort that the General Accounting Office has taken in developing the background information and drafting the report. I am enclosing for your information copies of the Executive Order and the supporting press materials released on Monday of this week.

If I can be of further assistance, please let me know.

Sincerely,



for Mrs. Tobin Armstrong
Counsellor to the President

Mr. R. G. Rothwell
Deputy Director
U.S. General Accounting Office
Washington D.C. 20548

APPENDIX II

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, D.C. 20405



SEP 14 1973

Honorable Elmer B. Staats
Comptroller General of the United States
General Accounting Office
Washington, D.C. 20548

Dear Mr. Staats:

Thank you for your letter of June 25, 1973, transmitting your draft report concerning improvements in identifying unneeded Federal real property.

We have carefully reviewed the report and are enclosing our comments relating to the recommendations of this report.

If we can be of further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Dwight A. Ink".

Dwight A. Ink
Acting Administrator

Enclosure

General Services Administration

STATEMENT OF POSITION ON RECOMMENDATIONS
IN GAO DRAFT REPORT
"IMPROVEMENTS SHOULD BE MADE IN IDENTIFYING
UNNEEDED FEDERAL REAL PROPERTY"

(See GAO note, p. 17.)

We agree that specific criteria should be used in reviewing land utilization, and that acquisition criteria should be used as a base. Acquisition criteria resulting from scrutiny within the executive and legislative branches of government and implemented through expenditure of scarce appropriated funds tend to be more realistic than judgments to retain property already held by an agency. Accordingly, it is extremely important that any criteria be applied equally to both acquisition and retention.

With respect to the role of GSA, we believe that the executive agencies have the primary role in real property management and GSA has a monitoring role. Executive agencies should conduct annual reviews of all properties under their control. GSA reviews executive agencies real property inventories and selectively chooses suspect properties for field surveys. As noted in the report, the Department of Defense (DoD) was allowed in 1971 to survey, on a trial basis with GSA participation, its properties that the FPC agreed were "politically sensitive." In 1972, the DoD survey program was increased

APPENDIX II

from approximately five surveys per month to 25 surveys per month, with surveys being conducted by military services as well as DoD. These surveys may have increased awareness of real property management throughout DoD. However, GSA does not have the resources to participate in field reviews of all DoD properties. Modification of Executive Order 11508 (now Executive Order 11724) to achieve these roles is believed unnecessary.

(See GAO note, p. 17.)

We do not believe that conclusions and recommendations should be discussed with field officials upon completion of the field survey since such discussions would be premature and could lead to possible misunderstandings and premature publicity. However, we do consider that factual data developed at the site is appropriate for discussion with field officials and GSA survey personnel will be so informed.

With respect to identification of alternate sites where GSA survey representatives identify property as not being put to optimum use and recommend relocation, we have long recognized this problem. We have sought and we are still seeking legislation to authorize funding so that agencies would relocate activities when in the best interest of the Government. As soon as such legislation is enacted we will begin conducting detailed studies as envisioned by the GAO report in connection with relocation proposals.

With respect to development of guidelines for acquisition of less than fee interests, we believe that GSA should review, in conjunction with the executive agencies, acquisition criteria including criteria for acquisition of less than fee interests which would provide necessary control over land use in lieu of fee ownership. Such criteria should also be applicable to retention of property already held. A general set of guidelines could be developed, but would be difficult to apply in many cases due to the diversity of Federal lands.

(See GAO note.)

The report also indicates that since neither GSA nor OMB are aware of DoD's detailed mobilization plans that it is difficult for GSA and OMB to assess land needs. We agree that lack of specific information does make it difficult to assess utilization. We understand that specific information available locally is usually limited. However, such information is available at the departmental level and can be made available to GSA and OMB as necessary. As the report indicates, a procedure whereby questions concerning mobilization are referred to OMB is in operation.

(See GAO note.)

GAO note: The deleted comments relate to matters which were discussed in the draft report but omitted from this final report.



ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

IU
INSTALLATIONS AND LOGISTICS

7 Sep 1973

Mr. R. G. Rothwell
Deputy Director, Logistics and
Communications Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Rothwell:

This is in response to General Accounting Office (GAO) Draft Report,
subject: "Improvements Should be Made In Identifying Unneeded
Federal Real Property" dated June 25, 1973 (OSD Case #3657).

The Department of Defense fully supports the program to release
unneeded real property and will endeavor to implement such
recommendations that will contribute to this end. The GAO report
presents a fair assessment of current policies, procedures and
practices for identifying and reporting excess real property.
These recommendations should contribute to a more effective
management program.

Specific comments on the GAO report are attached for use as
deemed appropriate.

Sincerely,

A handwritten signature in cursive script that reads "A. I. Mendolia".

ARTHUR I. MENDOLIA
Assistant Secretary of Defense
(Installations & Logistics)

Enclosure

DOD Statement on GAO Report

1. Title: "Improvements Should Be Made In Identifying Unneeded Federal Real Property", June 25, 1973, (Draft Report) (OSD Case #3657).
2. DOD General Comments:

Recommendations contained in the report should solve many problems encountered in identifying and disposing of unneeded Federal real property. Conflicts have arisen because recommendations to release land have been made with insufficient data. In addition, recommendations are sometimes made to change missions or programs when the implementation of such recommendations are constrained by law or monetary considerations. DOD agencies must comply with mission directives and operate within the limits of funds appropriated for specific purposes. When disagreements pertaining to this matter have occurred in the past, the problem has been sent to the Property Review Board for resolution.

Often, a basic point of disagreement in survey findings has been the definition of optimum use of land. If the term is interpreted as being synonymous with the most profitable use in terms of money there could be continual pressures to move DOD installations as surrounding land values increase. Such moves would be costly to taxpayers and would invite abuse of land management efforts.

Too literal an interpretation of the terms fully utilized or underutilized also result in areas of disagreement. Good judgment must be exercised to preclude recommendations to dispose of land which is used intermittently. Reserve training areas, explosive demolition areas, and emergency drop areas are examples of such real property.

Survey teams must understand completely the mission and tasks of the installations they survey. Also, they must have an idea of the resources needed to accomplish the mission and tasks. If they do not have this knowledge or if they fail to present their impressions to the installation commander, faulty recommendations may result.

An honest exchange between the survey team and the installation commander of information relative to the survey should improve survey results.

APPENDIX III

GAO conclusions and recommendations in summary form with DOD comments are contained in the paragraphs that follow.

3. GAO Conclusions and Recommendations:

[7]

Page 26: Standards and definitions used to identify unneeded real property are insufficient to cover all Federal land use functions.

4. DOD Comments:

DOD Agencies now review their real property holdings against published criteria. Examples are criteria for explosive safety zones; clear zones for aircraft operations; maneuver areas for company, battalion, and brigade sized units; and facilities needed for operation, berthing, and repair of naval vessels.

Surveys conducted under DOD auspices identify real property as stated in the recommendation.

5. GAO Conclusions and Recommendations:

[11]

Page 26: Real property surveys need improvement by consideration of all pertinent utilization information.

[11]

Page 28: Survey teams should be furnished complete and accurate information relating to land use. Recommendations for change in real property status (e.g. release or relocation) should be discussed with the agency surveyed. Recommendations to relocate activities should be complete to include alternate sites, rationale, and sources of funds.

6. DOD Comments:

Discussion of preliminary findings prior to their inclusion in a formal report would reduce the number of recommendations based on incomplete data. There remains, however, the requirement to offer preliminary reports to agency chiefs for their input concerning recommendations. These chiefs may be aware of mission or program changes not disseminated to the installation or activity chief.

Complete rationale and justification of recommendations to relocate would cause the survey team to obtain details which might otherwise be overlooked. It would also reduce the incidence of recommendations that are impractical due to statutory or fiscal constraints.

7. GAO Conclusions and Recommendations:

[7]
Page 27: A workable solution is required to the question of ownership of land as opposed to retention of interest by restrictive covenants.

[7]
Page 29: GSA should develop, in conjunction with executive agencies, guidelines for determining where restrictive covenants will provide the same control over land as fee title.

8. DOD Comments:

Any policy developed in regard to this matter must be thoroughly analyzed for legal sufficiency to protect government interests in the future. The possibility that local courts might rule in favor of the land holder who wants to dissolve restrictive covenants on his acquired land must be addressed. The Department of Defense position on this matter is that agencies should retain fee title to land holdings but release it under lease for appropriate compatible uses.

[See GAO note, p. 17.]

GAO note: The numbers in brackets are page numbers in this final report.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 24 1973

Mr. R. G. Rothwell
Deputy Director, Logistics and
Communications Division
General Accounting Office
Washington, D. C. 20548

Dear Mr. Rothwell:

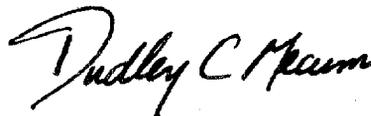
This is in response to your request for our comments on a draft GAO report entitled "Improvement should be made in identifying unneeded Federal real property."

The General Services Administration in its response dated September 14, 1973 has commented extensively on the findings, conclusions and recommendations in the draft report. We concur in those views and request they be given careful consideration.

In addition to supporting the comments made in the GSA response we question in the context of identifying unneeded Federal real property the desirability of referring to Government ownership of "760 million acres of land, almost one-third of the Nation." In reality only about 30 million of the 760 million acres referred to are subject to Federal agency utilization and thus within the scope of the concern, for identifying unneeded Federal real property. Over 96% of the 760 million acres are in the public domain or are committed to public use purposes such as national parks and national forest lands. Since these lands are excluded from the provisions of the Federal Property Act and from the survey requirements of Executive Order No. 11508 their inclusion in the GAO report in the manner stated grossly distorts the Federal government's real property management problem.

Thank you for the opportunity to review and comment on the draft report.

Sincerely,



Dudley C. Mecum
Assistant Director
Management and Organization



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

August 3, 1973

Address Reply to the
Division Indicated
and Refer to Initials and Number

Mr. Victor L. Lowe, Director
General Government Division
United States General Accounting Office
Washington, D. C. 20548

Dear Mr. Lowe:

We have reviewed your draft report, dated June 1973, entitled, "Improvements Should be Made in Identifying Unneeded Federal Real Property" (Number FA-35). While your letter of June 25, 1973, to the Attorney General did not specifically request our comments, members of your staff indicated they would appreciate any views or comments the Department might have. Our comments follow.

[6 and 7]

On pages 20, 21, 22, and 27 the subjects of buffer zones and fee-ownership are discussed. We believe that retention of less than fee-ownership in buffer zones, such as in flight paths at the ends of runways, must be carefully controlled if there is to be avoided liability under the Tucker Act for future more intensive use of such areas.

[5] [5]

Regarding the statements on pages 2 and 14 that the Bureau of Prisons has no standards for determining the size of land requirements, the BOP does consider certain land use criteria which are not in published form. As you know, BOP facilities vary from the Community Treatment Centers to the large close security penitentiary and accordingly require different land sizes. As an example, a Community Treatment Center only needs sufficient space to house its residents with office space for staff. A penitentiary, such as Leavenworth, with a population of over 2,000 and a staff of approximately 500, utilizes 25 acres inside the walls. It also has an extensive farming operation, with over 1300 acres under cultivation.

The primary responsibility of BOP is the detention of the offenders placed in their charge. To determine the kind of buffer zone required for a given institution, several considerations must be weighed:

APPENDIX V

1. Number and type of offender to be housed in the facility.
2. Type of terrain.
3. Nature of land use adjoining the facility.
4. Density of civilian population surrounding the facility.
5. Type of building security.
6. Type of perimeter security. (Single or double fence, wall, electronic devices, towers, mobile patrols, etc.)

A minimum security institution, such as a camp, would need enough acreage to separate the facility from the general public. A buffer zone at least 800 yards wide is necessary for this type facility.

A medium security institution, such as a small reformatory (approximately 500 residents) with double wire fences could adequately function if separated from public land by at least 800 yards extending from the outer perimeter fence. Though some buildings located outside the perimeter such as the garage, powerhouse, warehouse, could be located within this buffer zone, any extensive or very large building would require additional buffer zone consideration.

A close custody institution (Leavenworth, Atlanta, Marion, Terre Haute, Lewisburg, etc.) with a double fence or wall would require at least 800 yards separating the perimeter security from public land. This would also be exclusive of large or numerous buildings located outside the perimeter security.

Several other considerations are involved in determining BOP land needs. Those institutions having no federal prison industry (FPI, Inc.) have a need for other meaningful work programs. In this situation, an extensive farm operation is a consideration. The actual acreage needed depends upon such things as the number of inmates confined, the type of farming to be done, kinds of crops to be planted, etc. With today's modern farm machinery and advanced farm tech-

nology, extensive land holdings are required to keep even a relatively small number of men gainfully employed. The exception to this would be where BOP has camp operations located on or near military bases and the residents perform duties for other government agencies.

In another exceptional case, the primary objective of the Metropolitan Correctional Centers is short term detention, and observation and study of the commitment. The vast majority of those confined are individuals awaiting court appearances, and generally, the period of confinement (less than 60 days) in these facilities is of a relatively short duration. Detainees are allowed outdoors only in specially enclosed areas on roof tops.

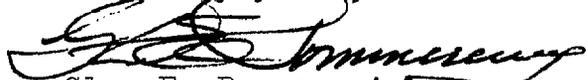
The unique function of the centers and the security features of the buildings alleviate the necessity of a buffer zone between the institution and public land. Consequently, only the land on which the building is constructed is required for this type institution.

The recommended buffer zones are necessary to allow for attractive landscaping and hopefully provide an area where a measure of control can be applied to prevent the introduction of contraband into the institution.

In recent years, several of the institutions have experienced difficulties with large groups of persons demonstrating on or near reservation grounds. These groups are easier to control if the reservation grounds are of adequate size as to allow for proper crowd control procedures to be initiated by federal officials at some distance from the institution itself.

Due to the aggressive behavior of many inmates confined in the institutions, it is necessary to have firearms as a part of the exterior security system. As a matter of safety to the general public, a buffer zone that provides a minimum of 800 yards between the institution and public use areas is needed; this to prevent possible unfortunate accidents occurring through the use of firearms on the occasion of inmate escape attempts.

Sincerely yours,



Glen E. Pommerening
Acting Assistant Attorney General
for Administration

GAO note: The numbers in brackets are page numbers in this final report.



VETERANS ADMINISTRATION
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS
WASHINGTON, D.C. 20420

AUGUST 28 1973

Mr. Frank M. Mikus
Assistant Director, Manpower
and Welfare Division (801)
U. S. General Accounting Office
Room 137, Lafayette Building
811 Vermont Avenue, N. W.
Washington, D. C. 20420

Dear Mr. Mikus:

We have reviewed your draft report entitled "Improvements Should Be Made in Identifying Unneeded Federal Real Property" and are in agreement with the recommendations presented.

In addition to the establishment of Agency guidelines for the identification of unneeded real property VA has developed other specific policy declarations justifying its landholdings, such as retention of quarters areas and minimum station areas, as well as the criterion favorably mentioned on Page 13 of the report.

With reference to your recommendations (Page 4) on agencies' annual reviews and GSA discussion of survey findings: We suggest that indications to the holding agencies of intended uses for proposed excess land might encourage or facilitate their identification of such land holdings.

Thank you for the opportunity to review this draft. If you have any questions concerning our comments my staff will be available.

Sincerely,

FRED B. RHODES
Deputy Administrator

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

OFFICE OF PLANT AND OPERATIONS

JUL 12 1973

Mr. Richard J. Woods
Assistant Director
Resources and Economic Development Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Woods:

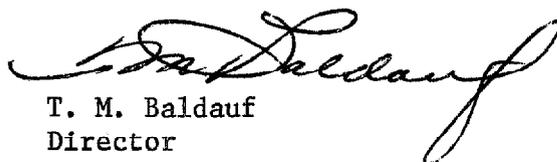
We have reviewed your June 1973, draft report on the effectiveness of Federal agencies in identifying and disposing of unneeded real property.

We have found the report to be in line with the experiences of this Department and we have no substantial objection to your recommendations. In regard to the recommendations, we offer the following comments for your consideration:

1. To insure a unified approach, agencies' efforts in the development of criteria for effective and economical land use should not outdistance the legislation now before Congress.
2. With the aid of agency criteria for effective and economical use of land, the program manager is the logical person to determine the resource requirements of his program. We support the recommended monitoring role of GSA.

(See GAO note, p. .)

Sincerely,



T. M. Baldauf
Director

APPENDIX VII

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, D.C. 20250

JUL 11 1973

Richard J. Woods
Assistant Director
Resources & Economic Development
Division
U. S. General Accounting Office
Washington, D. C.

Dear Mr. Woods:

OIG has reviewed your draft report, dated June 1973, entitled "Improvements Should Be Made In Identifying Unneeded Federal Real Property," and has no comments.

Comments on this report by the Office of Plant and Operations will be forthcoming.

Sincerely,



RODNEY L. ELAM
Acting Deputy Assistant Inspector General
Analysis and Evaluation



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

JUL 10 1973

R. J. Griffin, Jr.
Assistant Controller
for Auditing
Office of the Controller

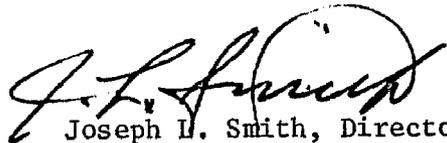
GAO DRAFT REPORT - IMPROVEMENTS SHOULD BE MADE IN IDENTIFYING UNNEEDED
FEDERAL REAL PROPERTY (YOUR MEMORANDUM OF JUNE 29, 1973)

We agree with the subject report in its recognition that a uniform Federal land use policy and specific standards and criteria for land use and identification of excess, though desirable, are difficult to accomplish due to the diversity of functions involved.

The problem is especially complex when considerations of the public health and safety are involved and judgments on buffer zones need to be considered. Such judgments go beyond technical validity to the need for convincing the public of safety in a climate of increasing conservatism.

Although we have no problems with the specific recommendations, statutory responsibilities of Federal agencies in this area must be recognized perhaps to the point that the final decision must be with the responsible agency.

Sincerely,


Joseph H. Smith, Director
Division of Contracts

APPENDIX IX

SITES INCLUDED IN OUR REVIEW

GENERAL SERVICES

ADMINISTRATION:

Region II (New York)

U.S. Air Force Base
Hancock Field,
Syracuse, New York

U.S. Marine Corps
Reserve Training Center,
Mattydale, New York

Veterans Administration
Hospital, Montrose,
New York

Floyd Bennett
Naval Air Station,
Brooklyn, New York

Coast Guard Radio
Station Annex,
Fire Island, New York

Fort Tilden,
Queens County,
New York

U.S. Army, Camp Drum,
Watertown, New York

Veterans Administration
Hospital, Castle Point,
New York

Region III (Washington)

Fort Story,
Virginia Beach,
Virginia

Camp A. P. Hill
Bowling Green,
Virginia

U.S. Navy Supply Center
Cheatham Annex,
Williamsburg, Virginia

Naval Transmitter Facility
Driver, Virginia

Naval Receiver Facility,
Northwest, Virginia

Agriculture Research
Center, Prince Georges
County, Beltsville,
Maryland

Naval Air Station,
Willow Grove,
Pennsylvania

Woodbridge Research
Facility, Woodbridge,
Virginia

U.S. Marine Corps Base,
Quantico, Virginia

Fleet Combat Direction
Systems Training Center,
Atlantic, Dam Neck,
Virginia

Region VII (Fort Worth)

Fort Sam Houston
San Antonio, Texas

U.S. Army Reserve
Center, Camp Villere,
Louisiana

Atomic Energy Commission,
Pantex Plant
Amarillo, Texas

Matagorda Island Air
Force Range and Port
O'Connor Dock Facility,
Calhoun County, Texas

Fort Sill Military
Reservation,
Lawton, Oklahoma

Federal Correctional
Institution,
Texarkana, Texas

Grapevine Reservoir,
Tarrant and Denton
Counties, Texas

U.S. Naval Air Station,
New Orleans, Louisiana

Benbrook Reservoir,
Tarrant and Parker
Counties, Texas

APPENDIX IX

Region VIII (Denver)	Atomic Energy Commission Compound, Grand Junction, Colorado	Buckley Air National Guard Base, Aurora, Colorado
	Defense Depot, Ogden, Utah	Federal Youth Center, Englewood, Colorado
	Fort Carson, Colorado Springs, Colorado	Francis E. Warren Air Force Base, Cheyenne, Wyoming
	Lowry Technical Training Center, Denver, Colorado	Atomic Energy Commission, Sandia Base, Albuquerque, New Mexico
	Defense Atomic Support Agency, Sandia Base, Albuquerque, New Mexico	Tooele Army Depot, Tooele, Utah
Region X (San Francisco)	Naval Auxiliary Landing Field, Crows Landing, California	Hamilton Air Force Base, Navato, California
	U.S. Naval Postgraduate School, Monterey, California	Corps of Engineers Base Yard, Sausalito, California
	Naval Radio Receiving Station, Imperial Beach, California	Nike Site 51, Milagree, San Marie County, California
	Mare Island Naval Shipyard, Solano County, California	Navy Housing Projects, U.S. Naval Station, Long Beach, California
	U.S. Naval Firefighter School, Naval Training Center, San Diego, California	U.S. Marine Corps Air Facility, Fountain Valley, California

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